

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6961 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

SHRAVANJI VISAJI THAKOR

Versus

COMMISSIONER OF POLICE

Appearance:

MS DR KACHHAVAH for Petitioner
SERVED for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 05/11/96

ORAL JUDGEMENT

The detention of the petitioner cannot be upheld in view of the law laid down by the Supreme Court in the case if Piyush v. Commissioner of Police, Ahmedabad. reported in AIR 1989 SC 491. It is true that some cases pertaining to offence under the Bombay Prohibition Act, 1949 have been registered against the petitioner, but there is no material on record to show that the activities of the petitioner as a bootlegger has adversely affected or is likely to affect maintenance of

the public order.

2. In the result, this Special Civil Application is allowed. The order of detention dated 4.7.1996 is quashed and set aside. The petitioner shall be released forthwith if not required for any other cases.

Rule made absolute accordingly.

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